

House File 2450

PAG LIN

HOUSE FILE 2450

1 1
1 2
1 3
1 4 AN ACT
1 5 RELATING TO REAL PROPERTY, INCLUDING ACKNOWLEDGMENTS OF REAL
1 6 PROPERTY CONVEYANCES AND LIMITATIONS ON CAUSES OF ACTION
1 7 CONCERNING REAL PROPERTY.
1 8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
1 9
1 10 Section 1. Section 558.20, Code 2003, is amended to read
1 11 as follows:
1 12 558.20 ACKNOWLEDGMENTS ~~WITHIN STATE.~~
1 13 The acknowledgment of any deed, conveyance, or other
1 14 instrument in writing by which real estate in this state is
1 15 conveyed or encumbered, ~~if whether~~ made within this state,
1 16 ~~must be before some court having a seal, or some judge or~~
1 17 ~~clerk thereof, or some county auditor, or judicial magistrate~~
1 18 ~~or district associate judge within the county, or notary~~
1 19 ~~public within the state. Each of the officers above named is~~
1 20 ~~authorized to take and certify acknowledgments of all written~~
1 21 ~~instruments, authorized or required by law to be acknowledged~~
1 22 ~~outside this state, outside the United States, or under~~
1 23 ~~federal authority, shall comply with the provisions of chapter~~
1 24 ~~9E.~~
1 25 Sec. 2. Section 558.40, Code 2003, is amended to read as
1 26 follows:
1 27 558.40 LIABILITY OF OFFICER.
1 28 Any officer, who knowingly misstates a material fact in
1 29 ~~either any~~ of the certificates mentioned in this chapter ~~or~~
1 30 ~~chapter 9E~~, shall be liable for all damages caused thereby,
1 31 and shall be guilty of a serious misdemeanor.
1 32 Sec. 3. Section 558.42, Code 2003, is amended to read as
1 33 follows:
1 34 558.42 ACKNOWLEDGMENT AS CONDITION PRECEDENT.
1 35 ~~It~~ A document shall not be deemed lawfully recorded, unless
2 1 it has been previously acknowledged or proved in the manner
2 2 prescribed in ~~this chapter or~~ chapter 9E, except that
2 3 affidavits, and certified copies of petitions in bankruptcy
2 4 with or without the schedules appended, of decrees of
2 5 adjudication in bankruptcy, and of orders approving trustees'
2 6 bonds in bankruptcy, and Uniform Commercial Code financing
2 7 statements and financing statement changes need not be thus
2 8 acknowledged.
2 9 Sec. 4. Section 602.8102, subsection 78, Code 2003, is
2 10 amended to read as follows:
2 11 78. Certify an acknowledgment of a written instrument
2 12 relating to real estate as provided in section 9E.10 or
2 13 558.20.
2 14 Sec. 5. Section 614.29, unnumbered paragraph 1, Code 2003,
2 15 is amended to read as follows:
2 16 As used in this ~~division~~ chapter:
2 17 Sec. 6. Section 614.30, Code 2003, is amended to read as
2 18 follows:
2 19 614.30 CONSTRUCTION LIBERAL.
2 20 This ~~division~~ chapter shall be liberally construed to
2 21 effect the legislative purpose of simplifying and facilitating
2 22 land title transactions by allowing persons to rely on a
2 23 record chain of title as described in section 614.31, subject
2 24 only to such limitations as appear in section 614.32.
2 25 Sec. 7. Section 614.36, Code 2003, is amended to read as
2 26 follows:
2 27 614.36 LESSORS, REVERSIONERS, AND EASEMENTS.
2 28 This ~~division~~ chapter shall not be applied to bar any
2 29 lessor or lessor's successor as a reversioner of the lessor's
2 30 right to possession on the expiration of any lease; or to bar
2 31 or extinguish any easement or interest in the nature of an
2 32 easement, the existence of which is apparent from or can be
2 33 proved by physical evidence of its use; or to bar any right,
2 34 title or interest of the United States, by reason of failure
2 35 to file the notice herein required.
3 1 Sec. 8. Section 614.37, Code 2003, is amended to read as
3 2 follows:
3 3 614.37 LIMITATION STATUTES NOT EXTENDED.
3 4 Nothing contained in this ~~division~~ chapter shall be
3 5 construed to extend the period for the bringing of an action

3 6 or for the doing of any other required act under any statutes
3 7 of limitations, nor, except as herein specifically provided,
3 8 to effect the operation of any statutes governing the effect
3 9 of the recording or the failure to record any instrument
3 10 affecting land. It is intended that nothing contained in this
3 11 division be interpreted to revive or extend the period of
3 12 filing a claim or bringing an action that may be limited or
3 13 barred by any other statute.

3 14 Sec. 9. Section 614.38, Code 2003, is amended to read as
3 15 follows:

3 16 614.38 PERIOD EXTENSION IN CERTAIN CASES.

3 17 If the forty-year period specified in this ~~division~~ chapter
3 18 shall have expired prior to one year after July 1, 1969, such
3 19 period shall be extended one year after July 1, 1969.

3 20 Sec. 10. Sections 558.21 through 558.30 and 558.37 through
3 21 558.39, Code 2003, are repealed.

3 22
3 23

3 24
3 25 _____
3 26 CHRISTOPHER C. RANTS
3 27 Speaker of the House

3 28
3 29 _____
3 30 JEFFREY M. LAMBERTI
3 31 President of the Senate
3 32

3 33 I hereby certify that this bill originated in the House and
3 34 is known as House File 2450, Eightieth General Assembly.
3 35

4 1
4 2

4 3 _____
4 4 MARGARET THOMSON
4 5 Chief Clerk of the House

4 6 Approved _____, 2004

4 7
4 8

4 9 _____
4 10 THOMAS J. VILSACK
Governor